

## REMARKS

### In the Claims.

Support for currently amended claim 21 can be found throughout the application, see for example, example 3 of the instant application.

### Additional Remarks

#### With reference to the Final Office Action issued on March 12, 2010.

1. The Applicant wishes to thank the Examiner for acknowledging the amended claims filed by the Applicant on January 4, 2010. And for noting that claims 21, 23-24, 26, 28-29, 32 and 34-35 were pending in the application, and for removing the rejections made under 35 USC Section 112, second paragraph in view of the response, including amended claims, filed by the Applicant on January 4, 2010.

2. and 3. The Office rejected claims 21, 23, 26, 28-29, 32 and 34-35 under 35 USC 103(a) as being unpatentable over Shibata (EP 835654 A1).

Page 5 lines, 6-12 of the Action states that:

"Since the reference discloses use of the composition in delaying absorption of a drug in the small intestine both by suppressing conveyance of the drug through the small intestine in the direction to the anus and suppressing diffusion of the drug in the solution due to the viscosity parameters of the composition, one of ordinary skill in the art would have envisaged embedding one or more active ingredients separately in glucomannan and providing the same to human in order to avoid any antagonistic interaction between the two compositions."

The Applicant understands this statement to mean the Examiner is asserting that because a matrix slows the absorption of active ingredients into the digestive tract of an animal it would be obvious to conclude that the same matrix can be used to segregate active ingredients from one another. This simply is not the case. Teaching that a matrix can slow the absorption of material

into a digestive tract says nothing about the ability of the matrix to segregate active ingredients embedded in the matrix from one another. Moreover, the ability of a matrix to slow absorption teaches nothing about how a granular composition of specific type of matrix can be made such that it simultaneously segregates active ingredients from one another.

Shibata neither teaches nor makes obvious the invention recited in currently amended claim 21 and the claims that depend on claim 21. In view of the remarks presented herein and the amendment made to independent claim 21, the Applicant respectfully requests that this rejection be removed and that all of the pending claims be found in condition for allowance.

4. The Office rejected claims 21, 23, 26, 28-29, 32 and 34-35 under 35 USC 103(a) as being unpatentable over Shibata (EP 835654 A1) in view of Walter (GB 2257358 A)).

The Office continues to reject the pending claims under a combination of Shibata and Walter. Applicant believes that the amendments currently made to Claim 21, more clearly differentiates the claimed invention from the combination of Shibata and Walter. The Applicant continues to respectfully disagree with the Examiner's interpretation of Walter. Applicant asserts that Walter teaches preventing a combination of acting ingredients from interacting with other constituents of a digestive tract when they are embedded in different matrixes not when they are embedded in the same matrix. In order to advance the instant case, the Applicant has amended claim 21 to further differentiate it from the teachings of Walter and Shibata.

Referring now to Figures 2 - 4 and to example 3 of the instant specification, the Applicant claims a method of treating a patient using a matrix in which active ingredients have been added sequentially to the matrix in order to create a granular matrix composition that simultaneously separates active agents from one another and serves to slow their absorption in the digestive tract of a patient. The Applicant's invention lies in part in recognizing that if active agents are sequentially added to a granular polysaccharide matrix the ingredients will segregate separately from one another thereby creating a final polysaccharide matrix which separates the ingredients from one another. In contrast, Walter teaches mixing active before adding them to a matrix. See Walters, Examples 1-8, pages 6-10. Applicant respectfully submits that the additional steps taught by the applicants serve to demonstrate that the granular matrix created by the application is not obvious over the compounds recited in the prior art as a matrix made using

these steps is neither disclosed nor made obvious by a combination of Shibata and Walter. Accordingly, the applicant respectfully requests that the claims presented herein be found in condition for allowance.-

## **Conclusion**

In view of the remarks and amendments presented herein, Applicant believes that the claims are now in condition for allowance and action for that end is requested. If the Examiner has any questions which they believe may be more efficiently addressed telephonically, they are encouraged to call the undersigned at their earliest convenience.

Respectfully submitted,

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